

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WALTER N. DIXON,

Plaintiff,

v.

No. 2:19-cv-000945-JCH-GJF

STONE TRUCK LINE, INC.,
A FOREIGN CORPORATION,
ISMAIL Y. TAWAIL,
RUSSELL STOVER CHOCOLATES, LLC,
A FOREIGN CORPORATION, and
RYAN TRANSPORTATION SERVICE, INC.,

Defendants.

**UNOPPOSED MOTION FOR DISMISSAL *WITH PREJUDICE* AS TO DEFENDANTS
RUSSELL STOVER CHOCOLATES, LLC AND
RYAN TRANSPORTATION SERVICE, INC. ONLY**

Plaintiff and Defendants Russell Stover Chocolates, LLC, and Ryan Transportation Service, Inc., by and through their respective counsel, hereby jointly move the Court for entry of its Order dismissing *with prejudice* all claims, allegations, and causes of action that Plaintiff has brought or that he could bring in this matter against Defendants Russell Stover Chocolates, LLC and Ryan Transportation Service, Inc. only. As further grounds for this Motion, Plaintiff and Defendants Russell Stover Chocolates, LLC, and Ryan Transportation Service, Inc. state as follows:

1. Plaintiff and Defendant Russell Stover Chocolates, LLC have entered into a binding and enforceable settlement agreement and release in this matter.
2. Plaintiff and Defendant Ryan Transportation Service, Inc. have entered into a binding and enforceable settlement agreement and release in this matter.

3. Plaintiff and Defendants Russell Stover Chocolates, LLC and Ryan Transportation Service, Inc. stipulate to the dismissal *with prejudice* of Defendants Russell Stover Chocolates, LLC and Ryan Transportation Service, Inc.

4. Defendants Stone Truck Line, Inc., and Ismail Y. Tawail do not oppose this Motion.

WHEREFORE, for the reasons set forth above, Plaintiff and Defendants Russell Stover Chocolates, LLC and Ryan Transportation Service, Inc. respectfully request that the Court enter its order dismissing *with prejudice* all claims, allegations, and causes of action that Plaintiff brought or could have brought in this matter against Defendants Russell Stover Chocolates, LLC and Ryan Transportation Service, Inc. only. As between Plaintiff and Defendants Russell Stover Chocolates, LLC, and Ryan Transportation Service, Inc., each party shall bear their own attorneys' fees and costs.

CERVANTES SCHERR LEGATE, LLC

By: /s/ Joseph Cervantes
JOSEPH CERVANTES
901 E. University Ave., Ste. 965-L
Las Cruces, NM 88001
Tel: 575-526-5600

Attorneys for Plaintiff

EATON LAW OFFICE, PC

By: /s/ James P. Barrett
JAMES P. BARRETT
P.O. Box 25305
Albuquerque, NM 87125
Tel: 505-243-1486

Attorney for Defendant Russell Stover Chocolates, LLC

ATKINSON, BAKER & RODRIGUEZ, P.C.

By: /s/ Justin D. Rodriguez
JUSTIN D. RODRIGUEZ
201 Third Street NW, Suite 1850
Albuquerque, NM 87102
505-764-8111

Attorneys for Defendant Ryan Transportation Service, Inc.

CERTIFICATE OF SERVICE

We hereby certify that on July 14, 2022, we filed the foregoing pleading electronically through the CM/ECF system, which caused the all parties or counsel to be served by electronic means.

EATON LAW OFFICE, PC

By: /s/ Justin D. Rodriguez
Justin D. Rodriguez